

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-67-C - ORDER NO. 2005-293
JUNE 6, 2005

IN RE: Petition MCImetro Access Transmission)	ORDER APPOINTING
Services, LLC for Arbitration with Farmers)	HEARING OFFICER
Telephone Cooperative, Inc., Hargray)	
Telephone Company, Home Telephone)	
Company, Inc. and PBT Telecom, Inc. under)	
the Telecommunications Act of 1996.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Joint Request, pursuant to S.C. Code Ann. § 58-3-40(C), of MCImetro Access Transmission Services, LLC (“MCI”) and Farmers Telephone Cooperative, Inc., Hargray Telephone Company, Home Telephone Company, Inc. and PBT Telecom, Inc. (collectively, “rural local exchange carriers” or the “RLECs”) (MCI and the RLECs, collectively known as the “Parties”) that a hearing officer be appointed in the present arbitration proceeding. The request is granted.

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years’ practice experience.

In support of their request, the Parties assert that they would like to mutually propose some changes in the procedural schedule for this arbitration. According to MCI and the RLECs, the Parties are specifically interested in exploring a modification of the arbitration schedule with respect to filing of prehearing briefs and proposed orders and in modifying the time for the Commission to resolve the issues raised in the arbitration proceeding in order to allow time for the filing of post hearing briefs and proposed orders. Additionally, MCI and the RLECs express their belief that the appointment of a hearing officer would be beneficial in order that any other procedural issues that may arise on this matter may be addressed.

We find good cause given by MCI and the RLECs to grant the Parties' request and further find that Joseph M. Melchers, Chief Counsel of the Commission, meets the qualification criteria set forth in S.C. Code Ann. § 58-3-40(C) as a hearing officer, and we therefore grant the Request of MCI and the RLECs for appointment of a hearing officer in the present proceeding and hereby appoint Joseph M. Melchers as the hearing officer in this case.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)